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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,139	08/29/2003	William J. Troyer	1880A1	1169

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PPG INDUSTRIES, INC.
Intellectual Property Department
One PPG Place
Pittsburgh, PA 15272

EXAMINER

MANSFIELD, THOMAS L

ART UNIT	PAPER NUMBER
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3623

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/652,139	Applicant(s) TROYER ET AL.	
	Examiner THOMAS MANSFIELD	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-13 and 15-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-13 and 15-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Final Office action is in reply to the Reply to Office Action filed on 16 April 2008.
2. Claims 1, 3, 7-9, 10-13, 15, and 18 have been amended.
3. Claims 2 and 14 have been canceled.
4. Claim 25 has been added.
5. Claims 1, 3-13, 15-24, and 25 are currently pending and have been examined.

Response to Arguments

6. Applicant's arguments with respect to claims 1, 3, 7-9, 10-13, 15, and 18 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
8. Claims 1, 3, 4, 7-13, 15, 16, and 18-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Li (U.S. Pub. No. 2002/0072808).

With regard to Claims 1 and 13, Li teaches *a method of reporting on the quality of repair work performed on an article* vehicle quality feedback module **60**) (see at least paragraph 0049) comprising the steps of:

- (a) *identifying occurrences of quality problems in repair* (difficult repair issues) *of an article* (vehicle, car) *at a repair facility* (repair shop) (see at least paragraphs 0049-0050).
- (b) *creating repair checkpoints in a repair facility* (each step of the repair process is scored) (see at least paragraphs 0037-0038).
- (c) *generating estimate data on the estimated cost for repairing the article, the estimate data being transferred to the database, said estimate data includes a repair estimate factor* (estimates for repairing the damage or other service work identified here) (see at least paragraph 0064).
- (d) *generating quality data* (collects service information) *on the occurrences of quality problems of step (a) at each repair checkpoint in a repair facility for an article* (see at least paragraphs 0037-0040 and 0049).
- (e) *electronically transferring the quality data to a computer database* (database 95 contains information regarding particular servicing issues) (see at least paragraph 0049).
- (f) *sorting* (determine a pre-diagnosis) *the quality data in the database utilizing said repair estimate factor for producing a report of said quality data which relates to industry indicators* (see at least paragraph 0040).
- (g) *producing a report of the sorted quality data* (provides reports on which steps in the process need improvement) (see at least paragraph 0039).

With regard to Claims 3 and 15, Li teaches *wherein the article is a vehicle* (vehicle, car) *and the repair facility is a vehicle repair facility* (repair shop) (see at least paragraphs 0049-0050).

With regard to Claims 4 and 16, Li teaches *wherein the quality problems are selected from the group consisting of incorrect estimate, failure to procure repair parts, procurement of incorrect repair parts, repair parts unavailable, improper welding, poor fit of parts, improper corrosion protection, poor workmanship* (each step of the process is scored relative to how well a step was performed, *incomplete repair, insufficient vehicle protection and improper refinish color match* (see at least paragraphs 0037-0039)

With regard to Claims 7 and 18, Li teaches *wherein the checkpoint comprises delivery of the vehicle to the repair facility, disassembly of the vehicle, frame repair, metal repair, mechanical repair, preparation for refinishing, application of refinish, reassembly of the vehicle and delivery of the vehicle to its owner* (progress of the repair) (see at least paragraphs 0006-0007).

With regard to Claims 8 and 19, Li teaches *wherein sorting* (determine a pre-diagnosis) *comprises reporting* (reports) *the quality data according to one of the repair checkpoints* (see at least paragraphs 0039-0040).

With regard to Claims 9, 10, 20, 21 Li teaches *wherein said repair estimate factor comprises one of: vehicle manufacturer, vehicle model* (vehicle ID), *vehicle year, insurance company, repair time, labor cost, parts cost, materials cost, total repair cost* (number of hours and cost associated with the repair), *repair facility overhead* (maintenance data), *geographic area* (location) *and repair level*. (see at least paragraphs 0045-46 and 0063).

With regard to Claims 10 and 25, Li teaches *wherein said report* (work order item) *having industry indicators comprising one of: repair shop problem, vehicle repair cost, vehicle reparability* (estimated labor hours and estimated monetary amount) *and vehicle insurance cost balance* (see at least paragraphs 0068-0073).

With regard to Claims 11 and 22, Li teaches *wherein (d), (e), (f) and (g) are performed on a computer network* (repair computer-networked system (see at least paragraph 0036)).

With regard to Claims 12, 23, and 24, Pulford does not specifically teach *wherein the computer database of step (e) is maintained on a global communications network*. (global networks) (see at least paragraph 0040).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 5, 6, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li as applied to claims 1, 3, 4, 7-13, 15, 16, and 18-25 above, and further in view of Kirkwood et al (Kirkwood) (U.S. Pub. No. 2003/0182181).

With regard to Claims 5 and 17, Li does not specifically teach *wherein the quality data includes information on the date of the repair and the report of step (e) identifies the quantity of quality problems in a time period*. Kirkwood teaches *wherein the quality data includes information on the date of the repair and the report of step (e) identifies the quantity of quality problems in a time period* (total of vehicles repaired within a time period) in analogous art of on-line performance analysis of a business entity for a vehicle repair shop for the purposes of, “enables a car repair body shop to customize and fine-tune its benchmarking” (see at least paragraphs 0024-0025).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the on-line performance analysis of a business entity for a vehicle repair shop as taught by Kirkwood with the vehicle warranty and repair method of Li. One of ordinary skill in the art would have been motivated to do so for the benefit of customizing and fine-tuning its benchmarking between a relevant group of franchises (Kirkwood, paragraphs 0024-0025).

With regard to Claim 6, Li does not specifically teach *wherein the report of step (e) compares the quantity of repairs having at least one occurrence of a quality problem in a time period to the total quantity of repairs performed in the time period*. Kirkwood teaches *wherein the report of step (e) compares the quantity of repairs having at least one occurrence of a quality problem in a time period to the total quantity of repairs performed in the time period* (historical comparison) in analogous art of on-line performance analysis of a business entity for a vehicle repair shop for the purposes of, "allows benchmarking of the business' performance against its own forecast and/or its own prior performance results" (see at least paragraph 0030).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the on-line performance analysis of a business entity for a vehicle repair shop as taught by Kirkwood with the vehicle warranty and repair method of Li. One of ordinary skill in the art would have been motivated to do so for the benefit of a historical comparison to give an overview over a selected period of time (Kirkwood, paragraph 0030).

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

12. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Breitenback et al (U.S. 7,236,976) discloses a system and method for scheduling events and associated products and services.
- Alling (U.S. Pub. No. 2002/0194329) discloses a method and system for facilitating multi-enterprise benchmarking activities and performance analysis.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS MANSFIELD whose telephone number is (571)270-1904. The examiner can normally be reached on Monday-Thursday 8:30 am-6 pm, alt. Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Van Doren can be reached on 571-272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. M./
Examiner, Art Unit 3623

20 June 2008
Thomas Mansfield

/Andre Boyce/
Primary Examiner, Art Unit 3623